REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-6, 8, 10, 12-20, 22, 24 and 26 are pending in the present application. Claims 1, 6, 14 and 15 are amended; and Claim 7 is canceled by the present amendment. Independent Claims 1, 14 and 15 are amended to incorporate features analogous to those recited in now-canceled Claim 7, and Claim 6 is amended to be consistent with amended independent Claim 1. No new matter is presented.

In the Office Action, Claims 1-8, 10, 12-20, 22, 24 and 26 are rejected under 35 U.S.C. § 103(a) as unpatentable over <u>Forslow</u> (U.S. 6,937,566) in view of <u>Immonen et al.</u> (U.S. 7,010,305, herein <u>Immonen</u>), <u>Hodgkinson et al.</u> (U.S. 7,209,437, herein <u>Hodgkinson</u>) and <u>Yoshida et al.</u> (U.S. 2002/0068588, herein <u>Yoshida</u>).

In response to the above-noted rejection under 35 U.S.C. § 103, Applicant respectfully submits that amended independent Claims 1, 14 and 15 recite novel features clearly not taught or rendered obvious by the applied references.

Independent Claim 1, for example, is amended to recite, in part, a base station comprising:

> ... a transmission order controller configured to control ... the *transmission order* of each quantitative guarantee type packet in the quantitative guarantee type buffer ... *based on a corresponding quantitative value* and independent of a respective mobile station from/to which the packet is received/transmitted ...
> a measurement unit configured to measure communication quality *for each request value* [associated with each quantitative guarantee type packet],
> wherein the packet classification unit restrains storing a quantitative guarantee type packet in a transmission buffer for storing the packets, *when a measured value by the measurement unit is more than a corresponding request value.*

Independent Claims 14 and 15, while directed to alternative embodiments, recite features similar to those noted above. Accordingly, the remarks and arguments presented below are applicable to each of amended independent Claims 1, 14 and 15.

At p. 5, the Office Action acknowledges that Forslow, Immonen and Hodgkinson fail to disclose "the transmission order of each quantitative guarantee type packet in the quantitative guarantee type buffer being based on a corresponding quantitative value and independent of a respective mobile station from/to which the packet is received/transmitted." In an attempt to remedy this deficiency, the Office Action relies Yoshida.

Applicant respectfully traverses this rejection, however, as Yoshida fails to teach or suggest the claimed features for which it is asserted as a secondary reference under 35 U.S.C. § 103.

More specifically, in rejecting the above-noted claimed features, the Office Action relies on ¶¶ [0129-0130] and Figs. 20-21 of Yoshida. These cited portions of Yoshida describe that a base station includes a window management table 517 for managing a "window size" and the other information. This "window size" corresponds to an amount of available space in a packet buffer 513, which is divided into groups corresponding to various rate classes. The buffer size assigned to each group may vary according to groups (rate classes) on the basis of the average transmission rate of each group and the number of mobile stations belonging to the group, that is, a distribution state of each transmission rate.

This cited portion of Yoshida, therefore, merely describes a process of dividing space in a packet buffer based on rate classes of the mobile stations, but fails to describe how an order of packet transmission is determined. More specifically, Yoshida fails to teach or suggest that "*the transmission order* of each quantitative guarantee type packet in the quantitative guarantee type buffer [is] *based on a corresponding quantitative value*", as recited in independent Claims 1, 14 and 15.

Accordingly, for at least the reasons discussed above, Applicant respectfully requests that the outstanding rejection under 35 U.S.C. § 103.

Nonetheless, in an effort to expedite prosecution of this application, independent Claims 1, 14 and 15 are further amended to incorporate the features of now-canceled Claim 7, and recite that the base station "*measures communication quality for each request value* [associated with each quantitative guarantee type packet]" and "restrains storing a quantitative guarantee type packet in a transmission buffer for storing the packets, *when a measured value … is more than a corresponding request value*." An exemplary embodiment of this claimed feature is disclosed as "Modified Example 1" at pp. 30-32 of the originally filed specification. As noted in the specification, this configuration allows for storage of the quantitative guarantee type packets in the transmission buffers to be restrained, and the actual transfer speed (e.g., measured communication quality) can be controlled so as to prevent it from greatly exceeding the request value for the transfer speed.

In rejecting the above-noted claimed features, p. 7 of the Office Action relies on col. 13, l. 58 – col. 14, l. 3 of Immonen. This cited portion of Immonen describes that a certain amount of traffic that a user is allowed to receive is stored as a value in the user's service profile. A public access controller (PAC) 34 can then control the downlink traffic of the users according to the allowed amount of traffic. If a user exceeds the traffic limit, the PAC 34 starts dropping the excess traffic.

This cited portion of Immonen, therefore, merely describes controlling an amount of traffic that may be provided in a downlink to a particular user. At no point does Immonen teach or suggest that *measuring* a communication quality for *each request value* associated with each quantitative guarantee type packet, much less restraining storing a quantitative guarantee type packet in a transmission buffer for storing the packets, *when a measured value … is more than a corresponding request value*, as recited in amended independent

12

Claims 1, 14 and 15. Instead, and as noted above, Immonen merely describes a process of limiting a total amount of traffic allowed to be provided to a user via a downlink.

Forslow, Immonen, Hodgkinson and Yoshida, therefore, even if combined, fail to teach or suggest a base station a base station that "controls ... the *transmission order* of each quantitative guarantee type packet in the quantitative guarantee type buffer ... *based on a corresponding quantitative value* and independent of a respective mobile station from/to which the packet is received/transmitted", "*measures communication quality for each request value* [associated with each quantitative guarantee type packet]" and "restrains storing a quantitative guarantee type packet in a transmission buffer for storing the packets, *when a measured value by the measurement unit is more than a corresponding request value*", as recited in amended independent Claims 1, 14 and 15.

Accordingly, for at least the reasons discussed above, Applicant respectfully requests that the rejection of Claims 1, 14 and 15 (and the claims that depend therefrom) under 35 U.S.C. § 103 be withdrawn.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-6, 8, 10, 12-20, 22, 24 and 26 is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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